5 S & 98

G. R. S. IX-5]

Previous references.

1892-98

192 .

(& R.)

File No. 128 & 98

Serial Nos. 1 — 10

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 — 10

Acejo 2 ~~Part~~ B for August 1896.

SUBJECT.

Appeal of Lakshmana Rao and Anand Rao regarding their claim to one half share of the Shanbhogiship of Basavapatna in the Chennagiri Taluk.

Recd

A-S No 68 of 1892-93

Appellants:

1 Lakshman Rao
2 Ananta Rao
(Plffs)

Respondents:

1 Venkappa
2 Gopala Rao
3 Narasamma
wife of Kistnappa
4 Seenappa
5 Ramappa
(Defts)

This is a dispute regarding the right to one half share of the Shanbhogi of Basava patna Mysore in Chenn-puri Taluk.

On the 5th Dec 1891 the Appellants (Plffs) filed a suit against the Respondents (Defts) for the recovery of the said one half share of the Shanbhogi of Basavapatna

The following is the plaint:

i That the Plffs & the Defts are members of the same family. Defts 4 & 5 are brothers of Plffs but they have been treated as Defts since they failed to join with the Plffs.

ii That the magani of Basavapatna consists of 16 villages and one Thippia and Desapande Rungappa had each equal hak to the Shanbhogi of the said magani. Defts 1. 2. 3 are descendants of Thippanna and the Plffs & Defts 4 & 5 of the said Desapande Rungappa.

iii That ~~Tooks~~ till the Pukka Potgi Settlement the Shanbhogi duties used to be performed by the representatives of both the above named hakdars.

till the year 1880 the Shanbhogi buraward stood in the names of the descendants of both those hukkeras and they were each receiving a monthly allowance of Rs 2-6-6

IV That the Pukka Poligi settlement of Chennagiri Taluk took place on the 15th February 1880 when the Plffs and Defts 4 & 5 were unjustly deprived of their right to one half of the said Shanbhogi and the same given away to Defts 1.2 & 3.

V That the cause of action accrued immediately after the Pukka Poligi settlement.

VI That Plffs having been minors there was delay in filing the Suit.

VII That for the above reasons ~~xxxxx~~ Plffs should be given a decree for the recovery from

the Defts of the Shanbhogi of one half of the villages constituting the circles 37.38 and 39.

The Deputy Commr referred the case to Mr Chelva Iyengar Asst Commr for disposal.

The case accordingly came up before Mr Chelva Iyengar.

The Pleader for the Defts filed a written statement which is as follows:-

I That the Shanbhogi duties of the 16 villages belonging to Basavapatna magani have been performed only by the ~~descendants~~ members of the 1st Defts family and not by those of Plffs.

II That according to a Rayasama executed in 1860 by the ancestors of Plffs and those of Defts the Shanbhogi of Basava patna magani which

for the reason that on
a former occasion when
Seenappa the 4th Defts
had presented a petition
for the recovery of the
Shanbhogi right it had
been ordered that accord-
-ing to the Rajeenama
(refd to above) the said
right had been transferred
to others. Be it as it may.
Let us inquire into the
nature of the present
suit.

For the 14 villages in
question, there were
two "Shanbhogi Prakes"
as proved by the accounts
&c filed by both parties.
Those records shew that
the duties attached to
the "Nadiga prake" used
to be performed by the
ancestors of Defts 1. 2 & 3,
and those appertaining
to the Desapande Prake
by the ancestors of Plffs.

On the 15th February 1880 the Poltyi settlement officer ordered that ~~the decision~~ according to ~~under~~ the Rayeenama ~~executed~~ dated in 1835 executed by the ancestors of both parties and filed in 1860 by the father of Plffs both the "Shanbhogi prates" ~~have not been~~ were combined into one full Shanbhogi and the said Shanbhogi should belong to Venkappa 1st Defdt and that the said Venkappa was at liberty to appoint his own men for the three circles which belonged to his office. The Poltyi settlement officer's order has also been confirmed on the 7th march 1881 by the Deputy Commr.

× × ×

Although the suit has been very cleverly instituted in its present form, we cannot go beyond the orders passed

~~Note~~.

[The Poltyi settlement officer Mr B. G. Krishna Iyengar's order dated 15th Feb 1880 is recorded in English.] ~~which forms an account of the history of the case.~~

vide Exhibit XII in Regular suit No 9 of 1881

11

thereupon filed an appeal to the Deputy Commr against the above order on the following grounds.

1 That the Asst Commr erred in finding that the suit was barred by limitation and that article 11 of the second schedule of the Limitation Act applied to the suit instead of article 124 of the second schedule of the said Act.

2 That the Asst Commr erred in finding that the Pltffs' ancestors resigned their link to suit property & office and that appellts had no right to maintain the suit.

3 That the appellts have clearly proved that they are the proper hukdars and that their ancestors had never resigned the link.

4. That the Defts (Respts) had not proved that

had not derived any equivalent benefit in the Davangere Taluk, and that the agree-ment dated 1835 filed by his own father in 1860 had never been acted up to, the only substantial his claim in a regular suit. The 4th Respt has not done anything of the kind up to date. Appellts thought fit to drag him as well as their other brother as the 4th & the 5th Defts in the suit, which was decided exparte as regards them. These two Respts did not appear before this Court nor were they represented.

Evidently the appellts made but a futile attempt at disturbing the existing arrangements which was made in pursuance of the old arrangement acted up to by their own

to his share in viale Bannur Banavalli and yelehole magane. According to this arrange-ment we have agreed hereby to act up."

Kandur magganee. This was an old arrangement which existed long before 1860 as stated in the Rayeenama, and continued up to Pukka Pol̤i settle-ment which did not disturb it.

The lower court rightly held that the appellts (Plfs) had no right to sue against the Rayeenama of their own father. The certified copy of the Rayeenama filed is quite admissible in evidence in the ab-sence of the original which was destroyed long ago with the official records. The copy itself is more than 20 years old.

The appellts' elder brother (4th Respt) who disputed on behalf of his own brother Rangappa was distinctly warned at the settlement that if he could shew that he

the Rayeenama was genuine and was acted upon by the parties

5 That the Asst Commr had based ~~it~~ his decision on irrelevant and inadmissible evidence

. The Deputy Commr thereupon heard the appeal and passed the judgment which is as follows:

" × × According to the Rayeenama Exhibit IV filed in 1860 appellant's father consented to continue to perform the duties of the "Sthala Shanbhogi" of the villages of Thippanna's share in the mayanees of Davangere and to the continuance of Thippanna performing the duties of the office of the villages of his (Krishnappa's) share in the Basavapatna and

(vide judgt. dt 10.9.92 in English)

note

Exhibit IV purports to be a Rayeenama dt 27.7.1860 executed by Nadiga Basappa Desapande his mother and Nadiga Bahagira Rao

the Rayeenama states: " × ×

As per mamool Thippanna alone should continue to look after the "Sthala Shanbhogi" of the villages that have fallen to our share in the 2 mayanees of Kundoor & Basavapatna of this Taluk. We, on the other hand should look after the Sthala Shanbhogi that has fallen

father. The agreement dated 1835 referred to in the order of the settlement officer Exhibit XII is not forthcoming. Apparently the agreement filed in 1860 Exhibit IV is the same. At any rate there is nothing to shew that one of 1835 was produced at the settlement.

The question of limitation remains to be disposed of now.

The lower court held that article 14 applied to the case, but in accordance with several decisions of ours article 124 applies to the case. Though this point is in favor of the appellants it is of no avail to them, as the point already

determined is against them.

The decision of the lower Court must therefore be affirmed and this appeal dismissed with costs."

The appellants have now preferred an appeal to Court against the above order of the Deputy Commr on the following among other grounds:

i That the lower Court (Deputy Commr) having found that the suit was not barred should have decreed Plffs' claim.

ii That Plffs have proved that the office in question was not relinquished by their ancestors.

iii That the observations made by the lower Appellate Court in regard to Desapande's office are

vide Exp. Journ.

(7)

Mrs 68 of 1892-93

Appts
1 Lakshmanrow-
2 Anantarow-
of Mallebennur
Davangeredaley
Chitaldroog Dt

Respts
1 Venkappa
2 Gopalrow
3 Narasamma
4 Sinappa
5 Narsappa-

The Shanbhogi of Basavapatna Firka was jointly held by the ancestors of the appellants & the ancestors of 1st 2d & 3d Respts & till 1880 both were receiving an allowance of Rs 2-6-6 each- The 4 & 5 Respts are the sons of the appellants who were made Defts simply because they do not join the appellants- In 1880, the Collr appointed the 1st, 2d & 3d Respts as Shanbhogas of the several villages of the Firka on the ground that according to a Rajinamah executed in 1850 & 1860 between the parties the Respts 1st, 2d & 3d Respts alone were in enjoyment of the office although the appts were nominal Shanbhogas & received their pay without doing any duties- The Govt confirmed the decision- The appellants brought a suit

in Dec 1891 for hay stacks

N ~~Offred~~ Asst Comr
who investigated the case
dismissed N Secr & the Dy Comr
confirmed the decision — the
appeal is against the order.

Although there is
~~disturbance~~ as to whether
Respts alone performed the duties
of the office or the appts after
also ~~with~~ along those duties, the
Asst Comr recorded no finding
on it, but ~~xx~~ said that the matter
need been disposed of by the Postage
Apts — ~~N Asst Comr~~ N Dy Comr
remarked that the Respts "did the
work of the Stamp office or the bulk
of it all along" & that the ~~Respts~~
appts "did no work of even their nominal
office & had employed gumastas on
account of their own incompetency &
the gumastas except ~~Wales~~ ~~Wales~~ ~~Wales~~ badly
did the work & thus the appts" continued
to enjoy a monthly allowance of Rs 2 & odd
from Govt like N Putha Postage appts N
He then dwelt on the Rajamundry &
dismissed the appeal.

1860

N Rajamundry ~~1860~~

(2)

(General Serial No. 32.)

21

1892

No. 1409

Name of Petitioner. 1. Anjanappa s/o
2. Aramalappa
by s/o Ramalappa

Village. Lakkavapatna

Taluk. Chinnagiri

District. Chinnagiri

Date of Arzi. 5-12-92

Date of Receipt. 7-12-92

Date of Disposal.

No. of Enclosures. Four

(1) Stamps sufficient

(2) Order produced

(3) Appeal within time

(4) Rule I Cl (1)

Mr Hool Rules

Call for Proceedings

Mr Inam Report

RO

20/12/92

L.R. 128-93-1

ABSTRACT.

Appeal against the Deputy Commr's decision in O.A. 182-93 which he rejected the claim of the petitioners to the Manigarchi of the village

Stkn.

9/12/92

Mysore Govt. Central Press Bangalore—7-9-92,—1000.

1892-93

(4)

23 From the Secretary Simoga District
To the Secretary Civil Service
dated 3rd January 1893.
No 1051/1009 Received 4th Jan 1893.

L.R. 128 92-2

Sir,

In returning herewith Section 409 of the Criminal Procedure Code and Appendix Row with enclosures received with your Official Memorandum No 821 dated 10th inst, I have the honor to forward the enclosed Official Record No 2 of 1892-93, entitled of the Court, together with the Proceedings thereunder and to report that no person is interested in the property attached, & I respectfully solicit instructions, Simoga District.

I have the honor to be
Sir,
Your most obedient servt

Abdul Rahman, Magistrate
Deputy Commissioner

24

(General Serial No. 30.)

5635.

1892. 1393

Pet 365.

From The Chief Secretary to the Dewan of Mysore.

To

The Chief Secretary to the Dewan of Mysore.

Dated 31 January 1893

Despatched

Received

Enclosures No.

General No. 1037 2092-93.

No. 1019

Petn. for Mandamus

8 + 92.

912

Post th. Case for hearing on 21 Sept. 893

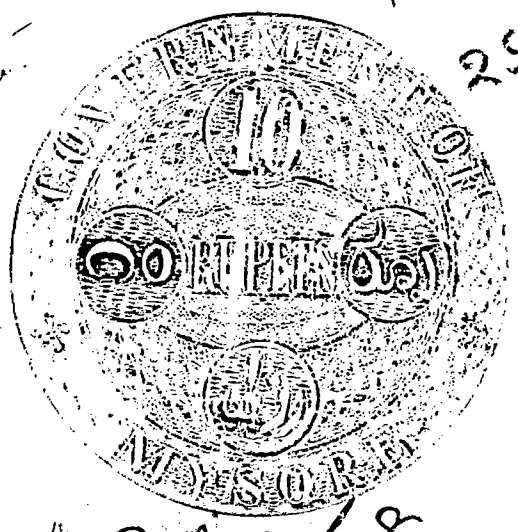
Petn. for Mandamus

576193

7/2/93

Presented by Advocate Sri Narayanappa's Jr. Mr.

Petn Bot (Mark) 9/12/92



MYSORE COURT FEE

MYSORE DEWAN'S OFFICE.
PETITION DEPARTMENT.
RECD. N. 1409/92
DATE 7-12-92

A.S. No 68/92-93

In the Court of the Commissioners to His Highness the Maharaja of Mysore

S. A. No of 1892

Appellants

1. Lukshmanrao.
2. Anantha Rao (Plff.)

Respondents

1 Venkappa
2 Pal Rao
3 Narasamma widow of Timmappa
4 Seenappa
5 Narayanappa (Deft.)

The appellants above-named respectfully beg to appeal against the decision of the Deputy Commr. Shimoga District in Revenue Appeal No. 2 of 1892-93 on the following grounds; viz:—

I The Lower Court having found that the suit was not barred, should have decreed Plffs' claim.

II Plffs. have proved that the office in question was not relinquished by their ancestors.

III The Lower Court have based their decisions partly on irrelevant and inadmissible evidence.

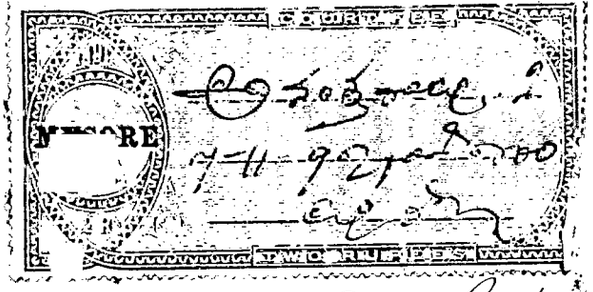
IV The observations made by the Lower Court in regard to Deefends' office are not warranted by facts proved or admitted

V. The Plffs. have proved their right to the office in question

VI The decision of the Lower Court is against law, the weight of evidence and probabilities of the case.

Bangalore 5.12.92

Advocate for appellants



27

Rs. Rupees Stamp

ನಂಬರ

ಅಪೀಲಿದಾರರು

ಪ್ರತಿವಾದಿಗಳು

ಅಪೀಲಿದಾರರ ಪರವಾಗಿ ವಕೀಲರು

ಪ್ರತಿವಾದಿಗಳ ಪರವಾಗಿ ವಕೀಲರು

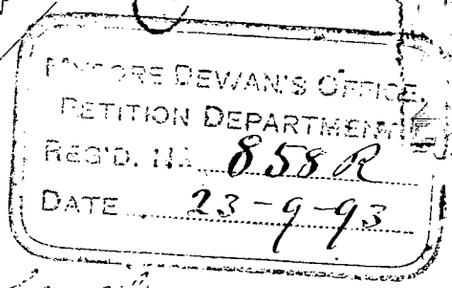
ಅಪೀಲಿದಾರರು ಪ್ರತಿವಾದಿಗಳು

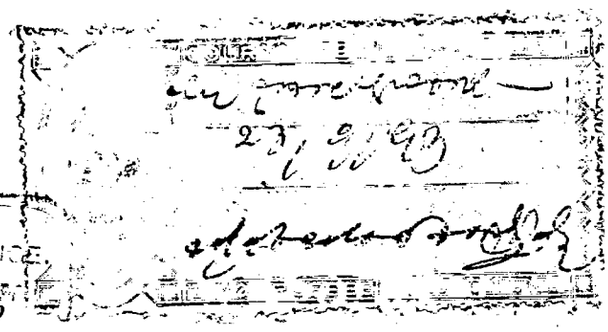
ಕೋರ್ಟ್ ಆಫ್ ಅಪೀಲ್ ಅಪೀಲ್ ನಂ.

ಮೇಲ್ಕಂಡ ಅಪೀಲಿದಾರರಾದ ನಾನು ಪ್ರತಿವಾದಿಗಳಾದ ಮೇಲ್ಕಂಡ ವಕೀಲರನ್ನು ನನ್ನ ವಕೀಲರಾಗಿ ನೇಮಿಸಿಕೊಂಡು ಈ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ನನ್ನ ಪರವಾಗಿ ಕೋರ್ಟಿನಲ್ಲಿ ಹಾಜರಾಗಿ ವಿಚಾರಣೆಯನ್ನು ಮುಂದೂಡಿಸಿ, ಪಿರ್ಯಾದಿಸಿ ಕೌಂಟರ್ ಕೊಡಿಸಿ ಪ್ರತಿವಾದಿಗಳಿಗೆ ಸಮನ್ಸು ಜಾರಿ ಮಾಡಿಸಿ ಸಾಕ್ಷಿಗಳನ್ನು ಹಾಜರುಪಡಿಸಿ ಸಾಕ್ಷಿಗಳಿಗೆ ಖರ್ಚು ಕೊಟ್ಟು ಸಾಕ್ಷಿಗಳನ್ನು ಪಾಟೀಸವಾಲು ಮಾಡಿ ಸಾಕ್ಷ

Form
Presented by Sri Ramaya
M. Ramaya Reddy Samudra.

(29)





(2)

Srivaishnava Rajagopalachariar
Case

Vakeels of Parties.
Case
23/9/93

In the Court of the Commissioner for H.H. the Maharaja
of Mysore.

Revenue 2nd Appeal Case No 68 of 92-93.

Appellants		Respondents
1. Lakshmana Rau	} ~~1~~	{ Venkayya
2. Ananthe Rau		{ 2 Gopala Rau
		3 Three Others

1. The 1st Respondent respectfully begs to state that when this appeal was heard before the Counsel on Thursday the 21st instant your Honours were pleased to express an opinion to the effect that the pattanama of 27th July 1860 (Ext. No 4) seems to confer upon plaintiff Appellants one half right to the said villages; and your Honours were further pleased to direct that the said pattanama be translated into English for the purpose of determining the terms there of correctly.

2. The 1st respondent further begs to state that the said pattanama will have to be read along with the deposition of Plaintiff's taken when they presented the said pattanama. The deposition is marked Exhibit No 5

31 shown that these villages were returned or re-transferred to Defendants 1st & Chibbamma sons. It thus becomes clear that the 4th & 5th Defendants who are the maternal brothers of the plaintiffs and managers of plaintiffs family, are trying to retain the villages that fell to Chibbamma share in those Inaams and made over to their father for doing duty under the Inaam, and have put forward the present claim. It is a well known principle of law that he who seeks equity must do equity. The plaintiffs therefore cannot claim any of the said villages before making over to Defendants 1 & 2 the villages in their possession in the office Inaams belonging to Chibbamma.

6. The Desapande office was entirely different from the Shanbhogs office and the former has been remunerated by Government under a seperate Sanad while the pretapi Desapande by Government will not entitle plaintiffs & Defendants 4 & 5 to claim a share in the shanbhogs of these villages which had been devided among plaintiffs father and the male of Defendants 1 & 2 under a different title altogether.

7. These facts were not clearly brought to your honours notice at the time of hearing the appeal.

8. For the foregoing reasons the Respondent prays that this Honourable Court.

SR

The Revenue Secretary has opined that this may be granted in part in district

33

Before the Government of *His Highness* the Maharaja of Mysore. (5)

Appeal No. 58 of 1892-93

Appellant.	Vs.	Respondent.
1. Lakshmiamma 2. Ranta Rao of Mallabennur Davangere Taluk, Chitaldrug District	L.R. 128-92-5	1. Venkatapa 2. Ajjappa 3. Narasamma 4. Timappa 5. Narayanappa

(Pltf) Decision 4-10-93 (Dfts)

The Sirandhoji of Basavapatna Fifth was jointly held by the ancestors of the appellants and ~~the~~ ~~ancestors~~ of 1st, 2nd and 3rd Respondents and till 1850 both were receiving an allowance of Rs 2-6-6 each. The 4th and 5th Respondents are the brothers of the appellants, who were made Defendants simply because they did not join the appellants

In 1890, the Patagi Officer appointed the 1st, 2nd and 3rd Respondents as Chaukidars of the several villages of the Taluka on the ground that, according to a Razinamah executed in 1535 & 1860 between the parties the 1st, 2nd and 3rd Respondents alone were in enjoyment of the Office, although the appellants were criminal Barabardars and received their pay without doing any duties. The Deputy Commissioner confirmed this decision. The appellants brought a suit in December 1891 for half share.

2. The Assistant Commissioner who investigated the case dismissed the suit and the Deputy

the Government wish to be informed in whose names the Office in the 2 Talukas of Dharwar and in the Taluka of Kundgol has been confirmed and what the Patagi allowance in each of the 3 Talukas is. The Deputy Commissioner is requested to make the necessary enquiries and report the matter within 2 months from date of receipt of this order.

By order

Recd 1/11

for Chief Secretary

No. 7546
Pet. F. 57-93

Copy to the Deputy Commissioner Dharwar with the proceedings received with his letter No. 1051 of 3-2-93, to be returned with the report called for.

By order

1/11

for Chief Secretary

SK

2d. came to the share of the appellants and 3, 4, 5 to the share of the Respondents, but that according to an arrangement made between the parties, the Respondents were to find office in the 1st and 2d Fields but pay the remuneration to appellants, and the appellants were to do duties in the first 3 fields and give the remuneration to the Respondents. This arrangement, though carried out in practice, does not appear to have been recognised by the Government.

4. Before coming to a decision on the matter

of even their nominal
price, and had employed
gumastās on account of
their own incompetency,
and the gumastās, except
Pedlappa did very little
work" though the appellants
"continued to enjoy a
monthly allowance of Rs
2 and odd from Government
till the Pallica Pottagi Settle-
ment". He then dwelt
on the Karinamah and
dismissed the appeal.

3. The Karinamah of 1560
shews that of the 5 Pallas
of

{ 1 Basavapatna } Channagiri Paini
{ 2 Kundra }

4. { 3 Yelchole
4 Kaikkunnu } Davangere
5 Padavalli } Paini

belonging to the families
of Appellants and
Respondents, the 1st and

35

Decision on appeal No 68 of 1892-93 - Continued

Deputy Commissioner confirmed the decision. The appeal is against the order.

3. Although there is a distinct issue as to whether Respondents alone performed the duties of the Office or the appellants also were doing those duties, the Assistant Commissioner recorded no finding on it, but said that the matter had been disposed of by the Police Office. The Deputy Commissioner remarked that the Respondents "did the work of the Chamberg Office or the bulk of it all along" and that the appellants "did no work

37

Submitted to the Council in order, with the 42-

(General Serial No. 30.) C 11750.

1894. 20 JAN.

From The Deputy Commissioner Limerick.

To The Chief Secretary to the Lieutenant of Lunacy

Dated 26th
Despatched 29th January
Received

Enclosures No. 1 memorandum
General No. 782 and a report thereon
No. 576

With reference to Medical Certificate No. 2546 dated 1st November 1893 for: - wards a statement showing the 3 Patients of Dunmore.

L.R. 128-93-6

Cert-for
LC
30/1/94

RO
31/1/94

ted in Row	Name of Tribes Belonging	Name of Paravardar.	Amount of Rate.		
...ndra X	1 Veiyat	Gyjal Rao	57	5	✓
	2 Lagar Patta	Venkappa	56	2	✓
	3 Kaarture	Narayana Gumastah			✓
		Ananda Rao	72	5	
...ndur X	1 Kinedur	Lakmi Rao	51	4	✓
	2 Kengalvaadi	Nijjappa Gumasta			✓
		Lakmi Rao	59	12	
	3 Kubanuti	Narayappa	38	8	✓
	4 Kanniketti	Kenchemallappa Gumasta			✓
		Venkappa.	82	12	
	5 Kanchur	Gyappa Gumasta Narayappa	34		✓
...alahalli	1 Gubbiadi	Narayappa son of Narayappa.	54	5	✓
	2 Mallalahalli	Lakshman Rao, son Narayappa	31	4	✓
...ddanur	1 Gubbanur	Lakmana Rao son Venkat Rao	22	4	✓
	2 Kammanadi	Lakmana Rao son of Venkappa	10	12	✓
	3 Kanchalahalli	Lakma Rao, son of Venkappa	40	12	✓
...ranadi	1 Kanadi	Venkappa son of Narayappa	63		✓
	2 Nandigani	Venkama son of Narayappa	40	11	✓

...naga
January 1874

Venkat Rahman

hellants) in appeal no 68 of 1892-93 and their
avadayya. (common ancestor)

1. Rajadhiraja Shanbagh	Remarks
Rau. Lin Krishnappa	4 ½ defl.-brothers of 1 & 2
2. Lin Seshappa.	Uncle's son of 1 & 2.
Lin Rungappa.	Uncle of 1 & 2.
Lin Venkanna.	Cousin & Cosharer of 1 & 2.
received from the Lower Court.	
1a Lin Krishnappa.	5 ½ defl.-brothers of 1 & 2.
2 Lin Kasena. Rau.	1 & 2 Cosharer.
Lin Rungappa.	Do

A

Statement Showing the number of Pherkads in favor of Iliffe (a
Cosharers - the descendants of Thimappa the eldest son of Thim

Name of the Pherkad	Name of the Taluq	Name of the Mogany	Name of the Phirka or Circle	Pholagy Amt.			Name of
Chikk. Arag.	Harey Hara.	Male. Bannoor.	Komaranahelly	79	12	"	Sreenivasa
Do	Do	Benavally	Kenay Belakary	49	"	"	Subba R
Do	Do	Do	Benavally	80	"	"	Seshappa.
Do	Do	Do	Nendy Jamy	49	4	"	Swamy Re
	The afore-said 4 Pherkads		are mentioned	in	the	Statement	
Do	Do	Male Bannoor	Kenabaar	63	"	"	Narayana
Do	Do	Do	Gudada Thimmina Kully	60	8	"	Krishnapp
Do	Do	Yalay Hole	Siry Jary	100	4	"	Vencanna
				478	12	"	

16th August/94

Thimmanna
Adv. for Appellants

ages of defts (respondents) in appeal no 68 of 1892-93
& 2nd son of Thimmarasayya. (Common ancestor)

	Name of the Registered Shanbogh.	Remarks.
"	Gopal Rao bin Narayanappa.	2nd- defl.
"	Veerappa bin Giriappa.	1st defl.
"	Narasamma.	3rd defl.
"	Swamy Rao bin Thippanna.	the uncle's son of the 1st & 2nd defts.
"	Thippanna bin Swamy Rao.	the son of the above.
"	Narasingappa bin Thippanna.	brother of Swamy Rao.
"	Rama-chandrappa bin Narasingappa.	Son of Narasingappa above-mentioned.
"	Giriappa bin Ramappa.	brother's son of the 1st defl.
	received from the Lower Court.	
"	Rungamma bin Giriappa.	Cousin & Coheiress of defts.
"	do	do.
	Giriappa bin Rungamma.	Son of the above
	Seshappa bin Rungamma.	another son of Rungamma.
	Rungamma bin Giriappa	Cousin & Coheiress of defts.

B

Statement Shewing the number of Phankhas de, in
their Cothares - the descendants of Chicka Venkatta,

Name of the Desha	Name of the Talug	Name of the Magany	Name of the Hankal or circles	Phalg amo	
Shimogha	Shennagiry	Basava Patna	Nelavagallu.	91	4
Do.	Do	Do.	Sagar. Pelta.	88	12
Do	Do	Do.	Hosa. Heray	72	"
Do	Honnally	Hundur.	Hundur. Pt	91	4
Do	Do	Do.	Kengala Hally.	5-8	12
Do.	Do.	Do.	Hoolumby.	88	8
Do	Do	Do.	Bunny Hoda.	92	12
Do	Do.	Do.	Hunchoor.	84	"
	The afore.	said 8 Phankas	are mentioned in	the Statem	
Kilidroog.	Hurry Hur.	Male-Bunnoor	Jigaly	62	4
Do.	Do.	Bananally	Davara-kela. Hary	44	12
Do	Do.	Male Bunnoor.	Wadayar. Basava pura	45	"
	Do	Bananally	yella. Vally.	70	"
	Do	Do.	Ranch Thantha	42	"

…dents of Thungabha the 3rd Day of

… appeal or to the Said.

…ount	Name of the Respondent Shambogh.	Remarks.
"	Srinivasa Rau bin Venkata Rau.	Brijee Mand.
"	Do.	
"	Ringanna bin Ramappa	
…ier	from the Lower Court.	
"	Bhagavanta Rau bin Srinivasa Rau.	
"	Ramachandra Lakshmana.	
"	Thimmappa bin Lakshmappa	
"	Do.	
"	Sampanna Rau bin Srinivasa Rau.	Brijee Mand
"	Shamy Rau bin Srinivasa Rau	
"	Thimappa bin Lakshmappa	
"	Thiramal Rau bin Thimappa.	
…at		
"		

Statement Showing the number of Phirkas in the Taluq of the A

Thimmarajeyya (Common Ancestor) - these are not Taluks & the

Name of the Phirkas	Name of the Taluq	Name of the Magany	Name of the Phirkha.	Pholagy am	
Chikkaboray	Hunsur Hunsur.	Malay Bennoor.	Malay Bennoor.	72	8
Do	Do	Yalay Holay	Malal. Hally	31	4
Do	Do	Do.	Yalay Holay	84	8
	The above said 3 Phirakal are known in the Chikkaboray				
Do	Do	Mala. Bennoor	Kavalan hally	91	"
Do	Do	Do	Kadarmanekmahally	55	8
Do	Do	Do	Gowna hall	53	8
Do	Do	Yalay Holay	Vasana	8	4
Do	Do	Do	Dhooly Holay	64	4
Do	Do	Do	Bilasur	96	4
Do	Do	Banavally	Nittoor	26	8
Do	Do	Do	Sunkly Hosur.	59	12
Thota	Eight Phirkas are	not shown in the Chikkaboray statement from		the Taluq	Co
				643	4

16 11/11 August 1894

B. Kempanna Gowda
Asst. for Superintendent

p. 43

L R. 128-93-8

(11)

(2) Letter No

(3)

Order No 15 dated 3-7-93
O.P. 57-93

MYSORE

MYSORE

MYSORE

MYSORE

MYSORE

DATE

ಸಂಖ್ಯೆ: ಕೆಆರ್‌ಐಡಿಎಲ್/ಕಾಮ/ಟೆಂಡರ್/ಎಸ್‌ಎಚ್‌ಎಸ್/೨೦೨೫-೨೬/೧೨೩೪ ದಿನಾಂಕ: ೧೫.೦೩.೨೦೨೬

ಟೆಂಡರ್ ಸೂಚನೆ

ಕರ್ನಾಟಕ ಗ್ರಾಮೀಣ ಮೂಲಸೌಕರ್ಯ ಅಭಿವೃದ್ಧಿ ನಿಗಮ ನಿಯಮಿತ (ಕೆಆರ್‌ಐಡಿಎಲ್) ಮೂಲಕ ಕೆಳಗಿನ ಕಾಮಗಾರಿಗಳಿಗೆ ಮೊಹರು ಮಾಡಿದ ಟೆಂಡರ್‌ಗಳನ್ನು ಆಹ್ವಾನಿಸಲಾಗಿದೆ. ಅರ್ಹ ಗುತ್ತಿಗೆದಾರರು ಮಾತ್ರ ಟೆಂಡರ್‌ನಲ್ಲಿ ಭಾಗವಹಿಸಬಹುದು.

1. ಕಾಮಗಾರಿಯ ಹೆಸರು: ಶಿರಸಿ ತಾಲ್ಲೂಕಿನ ಮಾರಿಕಾಂಬಾ ನಗರ–ಬಿಸಲಕೊಪ್ಪ ರಸ್ತೆಯ ಕಿ.ಮೀ. ೦/೦೦ ರಿಂದ ೭/೪೦ ವರೆಗೆ ಡಾಂಬರೀಕರಣ ಮತ್ತು ಚರಂಡಿ ನಿರ್ಮಾಣ.

2. ಅಂದಾಜು ಮೊತ್ತ: ₹ ೩,೮೫,೦೦,೦೦೦/- (ಮೂರು ಕೋಟಿ ಎಂಬತ್ತೈದು ಲಕ್ಷ ರೂಪಾಯಿಗಳು ಮಾತ್ರ).

3. ಧರೋಹರ ಠೇವಣಿ (EMD): ₹ ೭೭,೦೦೦/- (ಎಪ್ಪತ್ತೇಳು ಸಾವಿರ ರೂಪಾಯಿಗಳು ಮಾತ್ರ). ಇದನ್ನು ಯಾವುದೇ ಶೆಡ್ಯೂಲ್ಡ್ ಬ್ಯಾಂಕಿನ ಡಿಮಾಂಡ್ ಡ್ರಾಫ್ಟ್ ರೂಪದಲ್ಲಿ ಸಲ್ಲಿಸಬೇಕು.

4. ಟೆಂಡರ್ ದಾಖಲೆಗಳ ಮಾರಾಟ ಪ್ರಾರಂಭ: ೧೬.೦೩.೨೦೨೬ ರಂದು ಬೆಳಿಗ್ಗೆ ೧೦.೦೦ ಗಂಟೆಯಿಂದ.

5. ಟೆಂಡರ್ ಸಲ್ಲಿಕೆಗೆ ಕೊನೆಯ ದಿನಾಂಕ ಮತ್ತು ಸಮಯ: ೨೫.೦೩.೨೦೨೬ ರಂದು ಮಧ್ಯಾಹ್ನ ೧೨.೦೦ ಗಂಟೆಯವರೆಗೆ.

6. ಟೆಂಡರ್ ತೆರೆಯುವ ದಿನಾಂಕ ಮತ್ತು ಸಮಯ: ೨೫.೦೩.೨೦೨೬ ರಂದು ಮಧ್ಯಾಹ್ನ ೧೨.೩೦ ಗಂಟೆಗೆ, ಟೆಂಡರ್ ಸಲ್ಲಿಸಿದ ಅಥವಾ ಅವರ ಅಧಿಕೃತ ಪ್ರತಿನಿಧಿಗಳ ಸಮ್ಮುಖದಲ್ಲಿ.

7. ಕಾಮಗಾರಿ ಪೂರ್ಣಗೊಳಿಸಬೇಕಾದ ಅವಧಿ: ಕಾರ್ಯಾದೇಶ ನೀಡಿದ ದಿನಾಂಕದಿಂದ ೬ (ಆರು) ತಿಂಗಳು.

8. ಅರ್ಹತಾ ಷರತ್ತುಗಳು: ಗುತ್ತಿಗೆದಾರರು ಕನಿಷ್ಠ ₹ ೧.೫ ಕೋಟಿ ಮೌಲ್ಯದ ಇದೇ ರೀತಿಯ ಕಾಮಗಾರಿಯನ್ನು ಕಳೆದ ೫ ವರ್ಷಗಳಲ್ಲಿ ಪೂರ್ಣಗೊಳಿಸಿರಬೇಕು. ಕೆಆರ್‌ಐಡಿಎಲ್‌ನಲ್ಲಿ ನೋಂದಾಯಿತ ಗುತ್ತಿಗೆದಾರರಾಗಿರಬೇಕು.

9. ಟೆಂಡರ್ ಅನ್ನು ಯಾವುದೇ ಕಾರಣ ನೀಡದೆ ಸಂಪೂರ್ಣವಾಗಿ ಅಥವಾ ಭಾಗಶಃ ತಿರಸ್ಕರಿಸುವ ಹಕ್ಕು ನಿಗಮಕ್ಕೆ ಇರುತ್ತದೆ.

ಹೆಚ್ಚಿನ ಮಾಹಿತಿಗಾಗಿ ಕಾರ್ಯನಿರ್ವಾಹಕ ಎಂಜಿನಿಯರ್, ಕೆಆರ್‌ಐಡಿಎಲ್, ಶಿರಸಿ ಉಪವಿಭಾಗ ಕಚೇರಿಯನ್ನು ಸಂಪರ್ಕಿಸಬಹುದು.

ಸಹಿ/-
ಕಾರ್ಯನಿರ್ವಾಹಕ ಎಂಜಿನಿಯರ್

50

నంబర్
248

8-8-96

(13)

L.R. 12-8-96-D

51

7/8/46

By order

Secretary

is now in dispute fell
to the share of Deffs
1 & 2

III Whether the suit is
barred by limitation

The following
issues were then frame

I Were the members
of the 1st Deffs' family
alone performing the
Shanbhogi duties of the
14 villages or were the
members of Plffs'
family also performing
those duties?

II Are both parties
bound by the Rajee
nama said to have
been executed in 1860?

III Did the Deffs
fraudulently obtain
the right at the Pukka
Potgi settlement?

IV Is the suit barred
by limitation.

— The Plffs examine
two witnesses and

filed exhibits A to Z and A' to A^{10}.

Defts 3.4.&5 were absent. Defts 1&2 did not examine any witness but filed exhibits I to XII

On hearing the case Mr. Chelva Nayagam Asst Commr passed the following judgment.

" x x

In this case, the Plffs and the Defts 4&5 are undivided brothers. It is alleged in the plaint that Defts 4&5 have been treated as Defts since they failed to join with the Plffs. The reason for their not coming forward is not stated. It seems however that Defts 4&5 have been omitted to be joined as Plffs party because they could not win the case even if they had come forward as they were ~~much elder~~ advanced in age, than Plffs and party

in 1881. All the points now urged by both parties had been discussed and settled at the time of the Pukka Potgi settlement. without getting the said settlement cancelled, it would not be legal to enter into the previous circumstances of the case. When the Plffs state that the Potgi settlement order is the cause of the present suit, it should naturally be supposed that the present suit has been filed to get the said order cancelled. under article 14 of Schedule II of the Limitation Act a suit for cancelling such an order should be instituted within one year from the date of the said order. Instead of doing so the Plffs have filed the suit

Several years afterwards
ie on the 5th Decr 1891.
As it is stated in the
plaint that the 1st Plff
is 24 years old and the
2d Plff 20 years it cannot
be considered that they
have instituted the
suit within the period
allowed by law, after the
attainment of their majority.
Besides, the ancestors of
Plffs have several years
ago given up their rights
to the villages referred
to in the plaint, under
the Rayeenama. How
can Plffs now acquire
the rights which their
ancestors had not? For
these reasons the Court
holding that the suit is
barred by limitation,
and that the Plffs ~~and~~
have no right to bring
this suit dismisses it
with costs."

Dated 22d Jan

The Plffs (appellants)

Not warranted by facts
moved or admitted.

PJM

Shows that the N. S. Firms of—

1 Wasserpatra } Chenrogendalige
2 Kundeer }
3 Yalakke }
4 Male Usmani } Davagere
5 Vanalle } Taluq

belonging to the families of Appellants & Respts, the 1st & 2d consist of the shares of the Appts, & 3, 4, & 5 of the shares of the Respts, but the assessing to an arrangement made between the parties, the Respts were to hold office in the 1st & 2d Firms but pay the assessment to Appts, & the Appts were to do duties in the other 3 Firms & give the assessment to the Respts.— The arrangement thus carried out in practice, does not appear to have been recognised by Govt—

Upon coming to a decision in the matter, the Govt wish to be informed in whose names the offices in the 3 Firms of Davagiri, & in the Firms of Kundur have been confirmed & what the Potagi allowances in each Firm is. The Dy Comr is requested to make the necessary enquiries & report the matter—

2/10/68

Ref V
821 V

Dis

No. 0 Dept
19-1-93

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT.

OFFICIAL MEMORANDUM.

22

L.R. 128. 92-2

The accompanying Petition No. 1409

dated 5th Dec 1892 received at the

Dewan's Office from Lakshman Row Venkatram Row & Gadv. Inr. Ranjappa of Basavapatna, Shemagiri Taluk, appealing against the Dy Comr's decision in re their claim to one half share of the Shanbogueship of the village

is forwarded, together with its two

enclosures, to the Dy Commissioner, Shimoga District, for submission of Proc^s with a report on the facts of the case & on the points taken in the petition. The Petition should be returned.

By Order,

Draft.

Chief Secretary.

BANGALORE,
16 Jany 1893.

19

M. G. C. P. Bangalore.—21-11-92—3,000.

26

ಅಂಗೈಕೆಯಿಂದ ಪ್ರಾರಂಭ

ಪ್ರಕಾಶಕರಿಂದ

ಪು. 12 ಕ್ಕೆ

(General Serial No. 82.)

1893.

28

(5)

No. 850

Name of Petitioner. Venkappa

Village.

Taluk } Bangalore

District. }

Date of Arzi. 23. 9. 93

Date of Receipt. 23. 9. 93.

Date of Disposal.

No. of Enclosures. Nil.

L.R. 128-93 H.

ABSTRACT.

States that the [illegible]
mentioned in this English petition has
not brought to the notice of the Co
during the hearing date on the 21st
Hence he requests that the Exhi
No. 5 may be ordered to be transla
as it shows that the plaintiffs fath
had been given 5 villages in Hendre hag
and one village in Basavapatna hag
And that the case may be again
heard if necessary.

KS.
24/9.

30 in the case. From this deposition it becomes patent that Plaintiffs father had been given for his share 5 Villages in Kundur Magani and only one Village namely Booloonaikna hully in Basavapatna Magani.

3. The present suit is for possession of one half share of the Shanbhogy of fourteen Villages in Basavapatna Magani alone. The Plaintiffs have not sued for any of the sixteen Villages in Kundur Magany which are in the possession of Swamy Rao and Narasinga Rao the sons of Thippanna. The plaintiffs have not made the said Swamy Rao and Narasinga Rao parties to this suit.

4. The utmost that can be said in favour of plaintiffs from these two documents (Exhibits 4 and 5) is that Plaintiffs father was entitled to the Shanbhogy of one only of the fourteen villages of Basavapatna Magany which form the subject matter of the suit, but not to one half of the entire fourteen villages as claimed in the plaint.

5. Even this right has become barred by Limitation in as much as the 1st Defendant and his late brother Ramanna have been in adverse possession of the said village from before 1872 when the Survey & Settlement took place and the payment of "aya Sowa" by ryots ceased. Similarly the plaintiffs are in possession of the villages that had fallen to the share of Thippanna in Malay Bauer, Banavally & Yalavalli Magani and made over to Plaintiff father for doing duty when the razeenama was entered into. The plaintiffs have not sho-

the Government wish to be informed in whose names the Office in the 3 Firkas of Davangere and in the Firka of Kundur has been confirmed and what the Potagi allowance in each of the 5 Firkas is. The Deputy Commissioner is requested to make the necessary enquiries and report the matter within 2 months from date of receipt of this order.

By order.

Redraft / JMK 1/11
for Chief Secretary

No. 7546 / Rev. 57-93

Copy to the Deputy Commissioner Shimoga Direct with the proceedings received with his letter No. 1051/1009 dt 3-2-93, to be returned with the report now called for.

By Order.

JMK 1/11
for Chief Secretary

SK

* Davangere

W.L. 29.10.93

1/11

7 0 2 en 14 encl
576 encl applying
as stated docket.

38

Sumnoga District
Collector's Office
Sumnoga 26th January 1894

To

The Chief Secretary to the
Dewan of Mysore.

Sir,

With reference to your docket No 7546 / 0.757.93 dated 1st November 1893 forwarding copy of decision in Revenue Appeal No 68 of 1892-93 and requesting to be informed in whose name the office in the 3 Firkas of Davangere and in the Firka of Kundur has been confirmed and what the Potgi allowance in each of the 5 Firkas is, I have the honor to forward a Statement showing the particulars required.

2 There was some delay in getting the information from the Chikaldrug District, and so the information, it is regretted, could not be furnished within the time

keyed.

3. The entire records connected with the case are herewith returned.

I have the honor to be
Sir,
Your most obedient servant.
Abdul Rahman K.B.E.
Dy Commissioner

1926.

the eldest son of Timmarayya and the defts 1, 2 & 3 are the descendants of Chikka Venkappa the second son of Timmarayya. It has been found by the Courts below that under an agreement executed in 1860 between the Plffs' father and the ancestors of defts 1, 2 & 3, the latter have been in possession & enjoyment of the office of the Pirkas of the Basvapatna Magani in question, & the exclusion of the Plffs' branch of the family which was then in possession of the Pirkas, and this family arrangement was recognised at the Pakkapotaji Settlement in 1880. The lists submitted by the Appellants' advocate the correctness of which is admitted by the defendants, show that the several Pirkas belonging to the family were distributed and enjoyed, as shown under:—

(1) Plffs' branch. 7 Pirkas with a Potaji of Rs. 478-12-
(2) Defts " 13 " " 932-12-
(3) A third branch descended from Hariyappa the 3rd son of Timmarayya } 11 " " 643-4-

Thus it will be seen that under the family arrangement the Plffs' branch

45

of the family had no possession & enjoyment of the Pirkan of Basrapatna for over 30 years, and the elder brothers of Pffs, the 4th & 5th Defts very putni refused to join in the suit.

The decision of the Dy Comr is affirmed & this appeal dismissed.

Rev. Secretary

To The Dy Comr Shimoga Dt
with the records of the case

Endorsement granted to Lakshmana Rau & Ananta Rau of Malebennur Harihar Sub Taluk (represented by Mr. B. Nanjundappa Advocate) in reply to their petition No. 140 of 68 of 1892-93 appealing against the decision of the Dy Comr Shimoga Dt dismissing their suit for a half share in the Shanbhogi of the Pirkan of the Basrapatna Megani in the Channagiri Taluk

Petrs are informed that the decision of the Dy Comr has been confirmed & their appeal dismissed

By Order

3/7/95
Rev Secretary

Copy to Mr. S. Narayana Rao advocate for

10.

11.

12